

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

July 16, 2015



Planning Variance case no. PV 15-05: 1201 Bennett

CASE DESCRIPTION: a 4-foot variance from the minimum 15-foot side street building setback generally required on residential lots adjoining a local street to allow the construction of a new single-family residence to extend within 11 feet from the subject property's northwest side property line along South Coulter Avenue.

LOCATION: 1201 Bennett Street, at the south corner of Bennett Street and South Coulter Avenue.

LEGAL DESCRIPTION: Lot 1 in Block 4 of Gordon Subdivision

ZONING: Residential District – 5000 (RD-5)

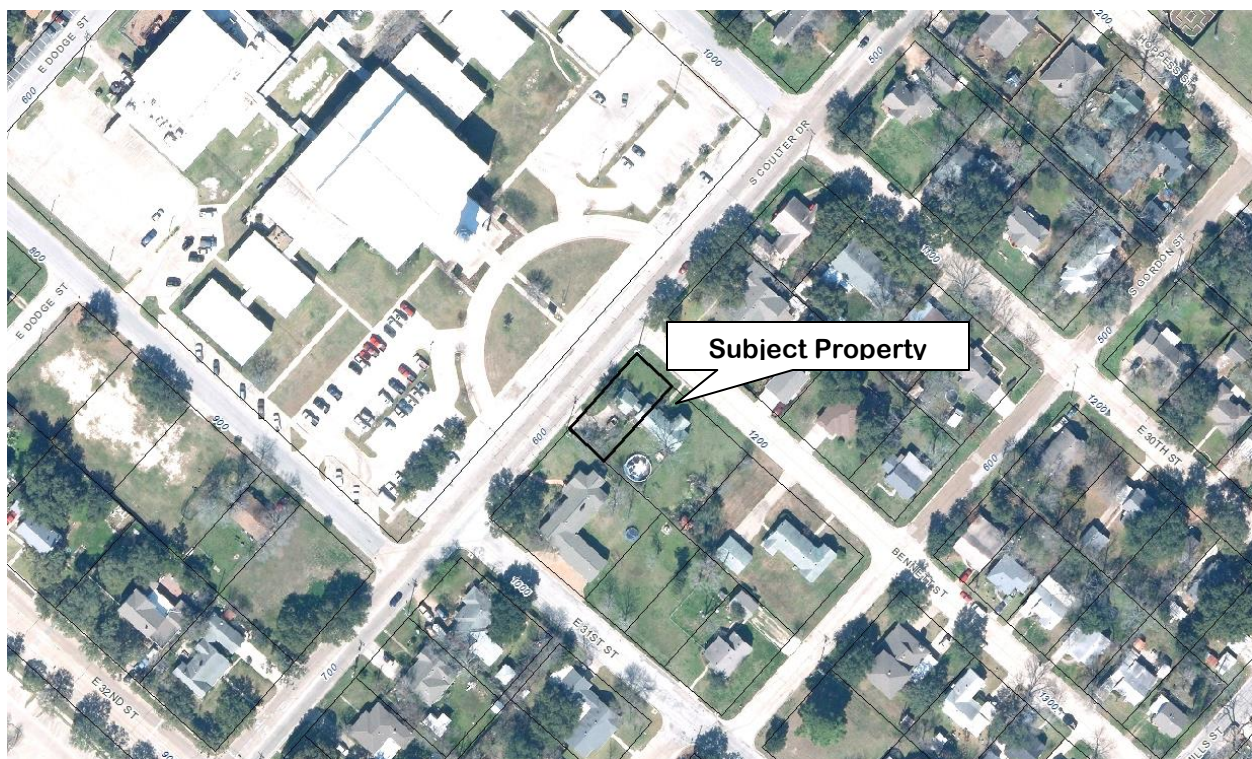
EXISTING LAND USE: Vacant – proposed Single-Family residential

PROPERTY OWNER: Jay Burch and Tim Ware

APPLICANT: Same as Owner

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

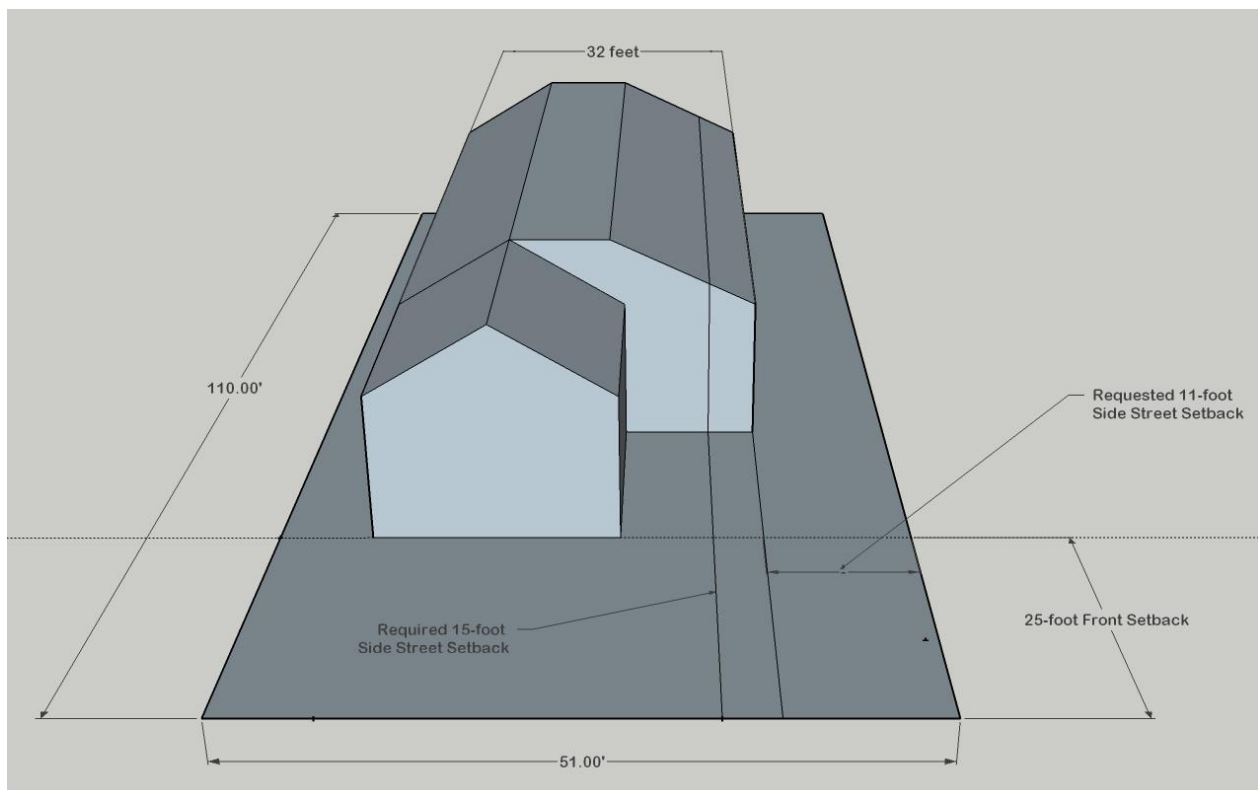
SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.



BACKGROUND:

The applicants/property owners, Jay Burch and Tim Ware, are requesting a 4-foot variance to the 15-foot side street setback requirements for the property located at 1201 Bennet Street. The subject property is located on the south corner of Bennett Street and South Coulter Drive, directly across from the St. Joseph Catholic School Campus. It has been zoned Residential District -5,000 (RD-5) since the City of Bryan adopted zoning regulations in 1989. The subject property was originally platted as an individual 50-foot wide by 110-foot deep lot (Lot 1) as part of the Gordons Addition in 1926, however, it consider to be part of a larger parcel made up 3 individual lots (Lots 1 thru 3) which held one single-family residence (1,798 Sq. ft.) until earlier this year. In February of this year, ownership of the property changed, and the new owners demolished the existing residential structure and are now in the process of building a total of three new 1,500 square foot single-family structures, one on each lot.

Bennett Street is classified as a local street by the City of Bryan Thoroughfare Plan, while South Coulter Drive is classified as a Major Collector. The original house that was located on the three lots had a driveway that took access to South Coulter Drive. Currently, Section 62-296 (a)(7) prohibits single-family dwelling units to take direct access to collector streets if the property can be accessed by a local street. The applicants are proposing to relocate access to Lot 1 from South Coulter Drive to Bennett Street; however, in doing so, based on the design of their proposed building and the size of the lot, the proposed structure would encroach 4 feet into the 15-foot side street setback generally required when residential homes are adjacent to a collector street. Therefore, the applicants are requesting a variance to the setback requirements listed in Section 62-161 to reduce the 15-foot side street setback by 4 feet to allow for an 11-foot side street setback on Lot 1, Block 4 of the Gordon Addition (see graphic below). If approved the reduction would allow the applicant to construct a single-family residential structure similar in size to those being built on the adjacent properties and the surrounding neighborhood.



ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

As stated above, the subject property is being redeveloped along with the two neighboring properties to the east into 1,500 square foot single-family homes and this specific lot is located at the intersection of Bennet Street and South Coulter Avenue. The requested variance, if approved would allow the proposed structure to be located 4 feet closer to South Coulter Avenue than what is allow by the current standards. Staff contends that this small of an adjustment in the building placement would not have any effect on neighboring properties in the area and therefore will not be detrimental to public health, safety or welfare or the residential ambience of this older Bryan neighborhood.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

There is only one property directly abutting or sharing a common property line with the subject property, that being Lot 2 which is also being redeveloped at the same time as the subject property. However, since Lot 2 does not have a property line adjacent to a major collector street, the standard 7.5-foot side setback applies and not a 15-foot side street setback. If the requested variance is approved, the encroachment will occur along the property line opposite the line abutting South Coulter Avenue, and thus will produce no measurable effect that could be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff generally encourages redevelopment in older neighborhoods of Bryan. The hardships and difficulties upon the owner to comply with the ordinance at this time will be greater than the benefits derived by the public were the ordinance strictly enforced. In this particular case, staff believes approving the requested variance is believed to have the most likely long-range benefit, balancing both public and private purposes.

RECOMMENDATION:

Staff recommends **approving** the requested variance to Section 62-161 of the City of Bryan, Land and Site Development Ordinance to allow a 4 foot reduction to 15-foot side street setback for the property located 1201 Bennett Street being Lot 1 in Block 4 of the Gordon Addition Subdivision.